

Hon. Naomi R. Buchwald  
Civil Action File No. 07-4845

UNITED STATES DISTRICT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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ELAINE L. CHAO, Secretary of Labor, United States Department of Labor,	:	
	:	Civil Action File
Plaintiff,	:	
	:	No. 07-4845
v.	:	
	:	<b>MOTION</b>
AMERICAN FINANCIAL SERVICES, INC.	:	<b>TO APPOINT</b>
401(K) PLAN,	:	<b>INDEPENDENT</b>
	:	<b>FIDUCIARY</b>
Defendants.	:	

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PLEASE TAKE NOTICE that the Plaintiff, Elaine L. Chao, Secretary of Labor, U.S. Department of Labor, respectfully moves this Court to appoint an Independent Fiduciary for the Defendant American Financial Services, Inc. 401(k) Plan, for the purposes of distributing the Plan's assets to the rightful participants.

Date: July 13, 2007  
New York, New York

Respectfully Submitted,

JONATHAN L. SNARE  
Acting Solicitor of Labor

PATRICIA M. RODENHAUSEN  
Regional Solicitor

BY: */s/ John G. Campbell*  
JOHN G. CAMPBELL  
Attorney JC (2125)

Attorneys for Plaintiff  
ELAINE L. CHAO  
Secretary of Labor  
U.S. Department of Labor